

ASSEMBLY BILL

No. 438

Introduced by Assembly Member Price

February 16, 2007

An act to amend Section 52052 of the Education Code, relating to pupil performance.

LEGISLATIVE COUNSEL'S DIGEST

AB 438, as introduced, Price. Pupil performance.

Existing law establishes the Public School Performance Accountability Program, and requires the Superintendent of Public Instruction, with approval by the State Board of Education, to develop an Academic Performance Index to measure the performance of schools, especially the academic performance of pupils.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52052 of the Education Code is amended
2 to read:
3 52052. (a) (1) The Superintendent, with approval of the state
4 ~~board~~ *State Board*, shall develop an Academic Performance Index
5 (API), to measure the performance of schools, *and* especially
6 *measure* the academic performance of pupils.

(2) A school shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school, including:

(A) Ethnic subgroups.

(B) Socioeconomically disadvantaged pupils.

(C) English language learners.

(D) Pupils with disabilities.

(3) (A) For purposes of this section, a numerically significant pupil subgroup is one that meets both of the following criteria:

(i) The subgroup consists of at least 50 pupils each of whom has a valid test score.

(ii) The subgroup constitutes at least 15 percent of the total population of pupils at a school who have valid test scores.

(B) If a subgroup does not constitute 15 percent of the total population of pupils at a school who have valid test scores, the subgroup may constitute a numerically significant pupil subgroup if it has at least 100 valid test scores.

(C) For a school with an API score that is based on no fewer than 11 and no more than 99 pupils with valid test scores, numerically significant subgroups shall be defined by the Superintendent, with approval by the ~~state board~~ *State Board*.

(4) The API shall consist of a variety of indicators currently reported to the department, including, but not limited to, the results of the achievement test administered pursuant to Section 60640, attendance rates for pupils in elementary schools, middle schools, and secondary schools, and the graduation rates for pupils in secondary schools.

(A) Graduation rates for pupils in secondary schools shall be calculated for the API as follows:

(i) The number of pupils who graduated on time for the current school year, which is considered to be three school years after the pupils entered 9th grade for the first time, divided by the total calculated in ~~paragraph (2) clause (ii)~~.

(ii) The number of pupils entering 9th grade for the first time in the school year three school years prior to the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years prior to the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three

1 school years prior to the current school year and the date of
2 graduation who were members of the class that is graduating at
3 the end of the current school year.

4 (B) The pupil data collected for the API that comes from the
5 achievement test administered pursuant to Sections 60640 and
6 60644 and the high school exit examination administered pursuant
7 to Section 60851, when fully implemented, shall be disaggregated
8 by special education status, English language learners,
9 socioeconomic status, gender and ethnic group. Only the test scores
10 of pupils who were counted as part of the enrollment in the annual
11 data collection of the California Basic Educational Data System
12 for the current fiscal year and who were continuously enrolled
13 during that year may be included in the test result reports in the
14 API score of the school. Results of the achievement test and other
15 tests specified in subdivision (b) shall constitute at least 60 percent
16 of the value of the index.

17 (C) Before including high school graduation rates and attendance
18 rates in the API, the Superintendent shall determine the extent to
19 which the data are currently reported to the state and the accuracy
20 of the data. Notwithstanding any other provision of law, graduation
21 rates for pupils in dropout recovery high schools shall not be
22 included in the API. For purposes of this subparagraph, “dropout
23 recovery high school” means a high school in which 50 percent
24 or more of its pupils have been designated as dropouts pursuant
25 to the exit/withdrawal codes developed by the department.

26 (D) The Superintendent shall provide an annual report to the
27 Legislature on the graduation and dropout rates in California and
28 shall make the same report available to the public. The report shall
29 be accompanied by the release of publicly accessible data for each
30 school district and school in a manner that provides for
31 disaggregation based upon socioeconomically disadvantaged pupils
32 and numerically significant subgroups scoring below average on
33 statewide ~~standards-aligned~~ *standards-aligned* assessments. In
34 addition, the data shall be made available in a manner that provides
35 for comparisons of a minimum of three years of data.

36 (b) Pupil scores from the following tests, when available and
37 when found to be valid and reliable for this purpose, shall be
38 incorporated into the API:

39 (1) The assessment of the applied academic skills matrix test
40 developed pursuant to Section 60604.

1 (2) The nationally normed test designated pursuant to Section
2 60642.

3 (3) The standards-based achievement tests provided for in
4 Section 60642.5.

5 (4) The high school exit examination.

6 (c) Based on the API, the Superintendent shall develop, and the
7 ~~state-board~~ *State Board* shall adopt, expected annual percentage
8 growth targets for all schools based on their API baseline score
9 from the previous year. Schools are expected to meet these growth
10 targets through effective allocation of available resources. For
11 schools below the statewide API performance target adopted by
12 the ~~state-board~~ *State Board* pursuant to subdivision (d), the
13 minimum annual percentage growth target shall be 5 percent of
14 the difference between the actual API score of a school and the
15 statewide API performance target, or one API point, whichever is
16 greater. Schools at or above the statewide API performance target
17 shall have, as their growth target, maintenance of their API score
18 above the statewide API performance target. However, the ~~state~~
19 ~~board~~ *State Board* may set differential growth targets based on
20 grade level of instruction and may set higher growth targets for
21 the lowest performing schools because they have the greatest room
22 for improvement. To meet its growth target, a school shall
23 demonstrate that the annual growth in its API is equal to or more
24 than its schoolwide annual percentage growth target and that all
25 numerically significant pupil subgroups, as defined in subdivision
26 (a), are making comparable improvement.

27 (d) Upon adoption of state performance standards by the ~~state~~
28 ~~board~~ *State Board*, the Superintendent shall recommend, and the
29 ~~state-board~~ *State Board* shall adopt, a statewide API performance
30 target that includes consideration of performance standards and
31 represents the proficiency level required to meet the state
32 performance target. When the API is fully developed, schools
33 must, at a minimum, meet their annual API growth targets to be
34 eligible for the Governor's Performance Award Program as set
35 forth in Section 52057. The ~~state-board~~ *State Board* may establish
36 additional criteria that schools must meet to be eligible for the
37 Governor's Performance Award Program.

38 (e) The API shall be used for both of the following:

1 (1) Measuring the progress of schools selected for participation
2 in the Immediate Intervention/Underperforming Schools Program
3 pursuant to Section 52053.

4 (2) Ranking all public schools in the state for the purpose of the
5 High Achieving/Improving Schools Program pursuant to Section
6 52056.

7 (f) (1) A school with 11 to 99 pupils with valid test scores shall
8 receive an API score with an asterisk that indicates less statistical
9 certainty than API scores based on 100 or more test scores.

10 (2) A school ~~shall~~ annually *shall* receive an API score, unless
11 the Superintendent determines that an API score would be an
12 invalid measure of the performance of the school for one or more
13 of the following reasons:

14 (A) Irregularities in testing procedures occurred.

15 (B) The data used to calculate the API score of the school are
16 not representative of the pupil population at the school.

17 (C) Significant demographic changes in the pupil population
18 render year-to-year comparisons of pupil performance invalid.

19 (D) The department discovers or receives information indicating
20 that the integrity of the API score has been compromised.

21 (E) Insufficient pupil participation in the assessments included
22 in the API.

23 (3) If a school has less than 100 pupils with valid test scores,
24 the calculation of the API or adequate yearly progress pursuant to
25 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
26 et seq.) and federal regulations may be calculated over more than
27 one annual administration of the tests administered pursuant to
28 Sections 60640 and 60644 and the high school exit examination
29 administered pursuant to Section 60851, consistent with regulations
30 adopted by the ~~state board~~ *State Board*.

31 (g) Only schools with 100 or more test scores contributing to
32 the API may be included in the API rankings.

33 (h) The Superintendent, with the approval of the ~~state board~~
34 *State Board*, shall develop an alternative accountability system for
35 schools under the jurisdiction of a county board of education or a
36 county superintendent of schools, community day schools,
37 nonpublic, nonsectarian schools pursuant to Section 56366, and
38 alternative schools serving high-risk pupils, including continuation
39 high schools and opportunity schools. Schools in the alternative

- 1 accountability system may receive an API score, but shall not be
- 2 included in the API rankings.